

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO: 423 of 2005

Between:

C. J. Vokappa S/o Late C. K. Joyappa,
CISF Constable No.764501193, CISF Unit, VSP,
Visakhapatnam District.

... PETITIONER

AND

1. The Director General CISF, CGO Complex, Lodhi Road, New Delhi.
2. The Inspector General CISF, South West Sector Head Quarter, RCF Chembu, Mimbai 400 074.
3. The Deputy Inspector General CISF, South Zone Head Quarters, Chennai 600 090.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the order No.E-38014(1)/1/E2/(SZ)/2004/8228 dt.02-12-2004 of the 3rd respondent as arbitrary, incorrect and without considering the order of this Court dt.01-10-2004 passed in W.P

No.17750/2004 in prospective manner and further direct the respondents to re-transfer the petitioner to CISF Unit, BHEL (R), Hyderabad where there is a Special Care School for Mentally and Physically Retarded Children is available and also hospital is available for such children within a specified time.

Counsel for the Petitioner: MR.T.P.ACHARYA

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following:

ORDER:

This writ petition is filed questioning the impugned proceedings dated 02-12-2004 of the 3rd respondent and also in not considering the order of this Court dated 01-10-2004 passed in W.PNo.17750 of 2004.

The petitioner contends that he is having mentally and physically retarded child studying at BHEL Town Ship, Ramachandrapuram, Hyderabad. The 3rd respondent passed the Memorandum order dated 15.06.2004 directing the petitioner to join at CISF Unit, STTP, Simhadri, Visakhapatnam District. The grievance of the petitioner is that there is no special school for the physically and mentally retarded persons at Simhadri and, therefore, seeks to quash the same.

On the other hand, the learned Standing Counsel appearing for the respondents contended that there are Schools for mentally and physically retarded children at Visakhapatnam Port Trust, and, therefore, it will not cause any hardship to the petitioner. Hence, prays to dismiss the writ petition.

By proceedings dated 02.12.2004, the petitioner was transferred to Visakhapatnam Steel Plant. According to the petitioner, there is no school at Visakhapatnam, which could cater to the needs of the profound cerebral palsy children. Learned counsel for the petitioner contended that the petitioner alone has to look after the basic requirements of his mentally and physically handicapped son and that he has to take him to school by lifting him. Since a Special Care School for mentally and physically retarded children is also available at

Visakhapatnam, the respondents have to take decision with regard to transfer of the petitioner.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents to consider the case of the petitioner sympathetically. No costs.

K.C.BHANU, J

Dt.24-02-2005

Note: Issue CC in 4 days.

B/o

Glv/usd

Copies to:

1. The Director General CISF, CGO Complex, Lodhi Road, New Delhi.
2. The Inspector General CISF, South West Sector Head Quarter, RCF Chembu, Mimbai 400 074.
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